

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WRI WEST GATE SOUTH, L.P.,

Plaintiff,

v.

RELIANCE MEDIAWORKS (USA) INC.,
et al.,

Defendants.

Case No. 14-cv-03802-JD (JSC)

**ORDER RE: PLAINTIFF'S MOTION
TO DISMISS COUNTER-COMPLAINT**

Re: Dkt. No. 55

Plaintiff's motion to dismiss the counter-complaint of Defendant Reliance Mediaworks (USA) Inc. (Dkt. No. 55) has been referred to the undersigned judge for a report and recommendation. Plaintiff's reply brief contends that the constructive eviction, breach of covenant of quiet enjoyment, and breach of contract counter-claims are barred by res judicata (claim preclusion) as well as collateral estoppel (issue preclusion). (Dkt. No. 63 at 3.) Because Plaintiff raised the claim preclusion argument for the first time on reply, Defendant has not had an opportunity to respond. If Defendant in good faith disputes that claim preclusion applies, Defendant shall submit a supplemental brief regarding the applicability of claim preclusion by Friday, September 25, 2015. No further pleadings on this issue shall be filed.

IT IS SO ORDERED.

Dated: September 21, 2015


JACQUELINE SCOTT CORLEY
United States Magistrate Judge